

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAY AHMED FAYAD,

Plaintiff,

vs.

JAMES MCMAHON, et al.,

Defendants.

2:18-CV-13982-TGB

**ORDER TO RETURN
PROPERTY**

This case involves the execution of a search warrant on Plaintiff's junkyard, and his subsequent arrest, on January 8, 2016. Defendants seized evidence consisting of business records, computers, tools, and auto parts, as well as a number of automobiles. Although Defendants conceded at a hearing before the Court on August 18, 2021 that Plaintiff was never charged with any crime, that the investigation was closed, and that no forfeiture proceedings were ever initiated regarding the seized items, they have not been returned to Plaintiff after more than five years. In its briefing, Defendant City of Hamtramck noted that "the business records, computers and parts tagged as evidence is preserved simply on a litigation hold and can be turned over to Plaintiff at any time." Def.'s Reply, ECF No. 54, PageID.3433.

Now would be a good time.

There is no demonstrated law enforcement purpose or statutory authority justifying Defendant City of Hamtramck's retention of this evidence. Consequently, the City of Hamtramck is ordered to return any of Plaintiff's personal property seized during the search of Plaintiff's property; that is, "business records, computers, and parts tagged as evidence," within seven (7) days of the date of this Order. As to the seized automobiles Plaintiff seeks to have returned, they are not covered within the scope of this Order, but the parties are directed to meet and confer to discuss a process to effectuate the return of any automobiles seized from Plaintiff's property unless they were identified as stolen. Before releasing the personal property, the City may log, photograph, or otherwise make a record of any items that are being returned, and Plaintiff must sign a receipt documenting his acceptance of the itemized property, for chain of custody purposes.

IT IS SO ORDERED.

DATED this 19th day of August, 2021.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge